Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26120 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5318–7]

Agency Information Collection Activities Up for Renewal

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.), this notice announces that the Information Collection Request (ICR) listed below is coming up for renewal. Before submitting the renewal package to the Office of Management and Budget (OMB), EPA is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before December 22, 1995.

ADDRESSES: U.S. EPA; Office of Wetlands, Oceans and Watersheds; Oceans and Coastal Protection Division (4504F); 401 M Street SW; Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Eric Slaughter; phone 202–260–1051; fax 202–260–9960.

SUPPLEMENTARY INFORMATION: *Affected entities:* Entities affected by this action are those which receive grants under Section 320 of the Clean Water Act, the National Estuary Program (NEP).

Title: National Estuary Program; ICR #1500.02; OMB control #2040–0138; expiration date: 12/31/95.

Abstract: The National Estuary Program (NEP) involves collecting information from one source: The state or local agency which receives funds under section 320 of the Clean Water Act. The regulation requiring this information is found at 40 CFR Part 35. The prospective recipient is seeking grant funds to carry out a three to five-year program resulting in the completion of a Comprehensive Conservation and Management Plan. In order to receive grant funds, grantees must submit an annual workplan to EPA. This workplan is the only information required from the grantee beyond that which is required in the standard government grant application. The workplan is reviewed by EPA, and it then provides the basis for the scope of work written into the grant agreement. The annual workplan consists of two parts: progress on projects funded previously, and new projects proposed with dollar amounts and completion dates. Once incorporated into the grant agreement, the workplan is then used to track performance. As of this date, there are 28 grantees nationally. The current ICR renewal will propose no changes in burden.

EPA simplifies the burden by providing guidance on how to prepare the workplan and by issuing planning targets to each grantee so that workplans can target a known funding level. EPA also provides direct assistance to prospective grantees in preparing the annual workplan by reviewing and commenting on drafts.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations are displayed in 40 CFR Part 9.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The estimated burden for the 28 estuaries in the program totals 4900 hours. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: September 30, 1995.

Robert H. Wayland III,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. 95–26193 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5318–2]

Nominations for Exemptions to the Production and Import Phaseout of Ozone Depleting Substances for Uses Satisfying the Montreal Protocol ''Essential Use'' Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Through this notice, the U.S. Environmental Protection Agency is requesting applications for consideration at the Eighth Meeting of the Parties to the Montreal Protocol to be held in late 1996 for exemptions to the production and import phase-out for ozone-depleting substances in 1997 and subsequent years (including halons, CFC–11, CFC–12, CFC–113, CFC–114, CFC–115, CFC–13, CFC–111, CFC–112, CFC–211, CFC–212, CFC–213, CFC–214, CFC–215, CFC–216, CFC–217, carbon tetrachloride, and methyl chloroform).

Nominations for essential use exemptions for production or importation in 1996 and beyond for Class I substances were solicited in previous Federal Register Notices (58 FR 29410, May 20, 1993; 59 FR 52544, October 18, 1994) and recommendations by the Montreal Protocol Technology and Economics Assessment Panel have been forwarded to the Parties for consideration at the Seventh Meeting of the Parties, to be held December 5–7, 1995. The results of the previous solicitations and subsequent actions taken by the Protocol Parties are described in this Notice.

DATES: Applications for essential use exemptions eligible for consideration at the Eighth Meeting of the Parties must be submitted to EPA no later than 30 days after date of publication of this notice in order for the U.S. government to complete its review and to submit its nominations to the United Nations Environment Programme (UNEP) and the Protocol Parties by January 1, 1996.

ADDRESSES: Karen Metchis, Program Manager; Essential Use Exemptions; Mail Stop 6205J; U.S. Environmental Protection Agency; 401 M Street SW.; Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Karen Metchis, Substitutes Analysis and Review Branch, Stratospheric Protection Division (6205J), Office of Atmospheric Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; Phone (202) 233–9193; FAX (202) 233–9577. General information may be obtained from the Stratospheric Ozone Hotline at 1–800–296–1996 or (202) 775–6677.

SUPPLEMENTARY INFORMATION:

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I. Background—The Essential Use Nomination Process

As described in previous Federal Register notices, the Parties to the Montreal Protocol on Substitutes that Deplete the Ozone Layer (the Parties) agreed during the Fourth Meeting in Copenhagen on November 23–25, 1992, to accelerate the phase-out schedules for Class I ozone-depleting substances. Specifically, the Parties agreed to phase out the production of halons by January 1, 1994 and the production of other Class I substances, except methyl bromide, by January 1, 1996. The Parties also took decisions and adopted resolutions on a variety of other matters, including the criteria to be used for allowing ''essential use'' exemptions from the phase out of production and importation of controlled substances for uses considered essential. Language regarding essential uses was added to the Protocol provisions in Article 2 governing the control measures. Decision IV/25 of the Fourth Meeting of the Protocol details the specific criteria and review process for granting essential use exemptions. The Parties recognized the importance of including such an exemption because of the accelerated phaseout dates for these chemicals.

At the Fifth Meeting of the Parties held on November 17–19, 1993 in Bangkok, the Parties modified the timetable for the nomination of essential uses for all controlled substances. Pursuant to Decision V/18, Parties may nominate a controlled substance for uses meeting the essential use criteria by January 1 of each year. Decisions on such nominations will be taken by the Parties in that year in which the nomination is made for subsequent years. In accordance with this new timetable, the UNEP Montreal Protocol Technology and Economics Assessment Panel (the Panel) and its relevant Technical Options Committees will review and develop recommendations on the nominations and submit their report to the Protocol Parties.

Nominations may be for production or importation in any year after the date on which the substance is phased out and may be for more than one calendar year. For example, a nomination could be submitted by January 1, 1996 for a halon essential use Decision at the Meeting of the Parties in late 1996 to allow for production of halons beginning in 1997. If adequate supplies of halons were available for 1997, but thought to be unavailable beginning in 1998, an application in 1996 could request the essential use exemption for production or importation in 1998. The Parties may choose to grant the exemption for one or more of the nominated years, but each approved or pending application may be reconsidered and modified by the Parties at their annual meetings. In cases where companies believe they have a use that meets the essential use criteria but where an adequate supply of the controlled substance is currently available, an application generally need not be made at this time. Applications for these uses may be made at a later date for consideration at subsequent meetings of the Parties, and EPA intends to solicit applications annually. Thus the process permits, but does not require, applications for essential uses for future years to facilitate planning.

In establishing these essential uses exemptions, the Parties set out criteria to identify eligible essential uses and established a process for the Parties to decide which uses would qualify under this provision. Decision IV/25 states that ''a use of a controlled substance should qualify as essential only if: (i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and (ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health''. In addition, the Parties agreed ''that production and consumption, if any, of a controlled substance, for essential uses should be permitted only if: (i) all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and (ii) the controlled substance is not available in sufficient quantity and quality from the existing stocks of banked or recycled controlled substances.''

Any essential use exemptions would also have to comply with the provisions of the Clean Air Act (CAA). Section 604 authorizes the granting of specific exemptions from the phaseout schedules contained in the Clean Air Act. Specific to halons, it allows exemptions for aviation safety (section 604(d)(3)), national security (section 604(f)), and fire suppression and explosion prevention (section 604(g)). Other exemptions specified in section 604 include essential uses of methyl chloroform (section 604(d)(1)); uses of Class I substances in medical devices (section 604(d)(2)); and uses of CFC–114 for national security (section 604(f)). To the extent that an accelerated phaseout schedule has been adopted under the Montreal Protocol, EPA can legally provide exemptions for uses not specified in the CAA, so long as these exemptions do not exceed the production reduction schedule contained in section 604(a).

Since section 604(b) specifies the phaseout date for Class I substances as 2000 (2002 for methyl chloroform), that section effectively limits the authority of EPA to provide essential use exemptions for periods after the CAA's production termination dates, other than for the specific exemptions authorized by section 604.

The first step in the process to qualify a use as essential under the Protocol is for the user to carefully consider whether the use of the controlled substance meets the Protocol criteria. If the user believes that it does, the user should notify EPA of the candidate use and provide sufficient information for EPA and the Protocol Parties to evaluate that use for consistency with the criteria adopted by the Parties in Copenhagen. The Panel has issued a handbook entitled ''Handbook on Essential Use Nominations,'' available from EPA, to guide applicants. EPA will review the candidate for exemption and will work with other interested federal agencies to determine whether or not it should be submitted to the United Nations Ozone Secretariat for further consideration. Nominations submitted to the Ozone Secretariat by the U.S. or other Parties will then be directed to the Panel and its Technical Options Committees which will review submissions and prepare recommendations to the Parties for exemptions. The Panel will review these nominations to determine whether the eligibility criteria have been satisfied and will examine the expected duration of the essential use, emission controls for the essential use application, sources of already produced controlled substances that are available to meet the essential use, and the steps necessary to ensure that alternatives and substitutes are available as soon as possible for the proposed essential use. The Parties also instructed the Panel to consider the environmental acceptability, health effects, economic feasibility, availability and regulatory status of alternatives and substitutes. The Panel's recommendations are then considered by the Parties who subsequently take final action on each proposed nomination. If the Parties decide that a specified use of a controlled substance is essential, EPA will propose regulatory changes to

reflect decisions by the Parties consistent with the CAA.

If a user of the controlled substance determines that it has a use that meets the essential use criteria discussed above, the user should prepare and submit to EPA an essential use application as described below.

II. Summary of Actions to Date

EPA issued the following Federal Register notices requesting nominations for essential uses of halons and other Class I substances:

Substance	Year of production [1]	FR notice	Meeting
Halons	1994	February 2, 1993, 58 FR 6786	1993—Fifth.
All other class I substances	1996	May 20, 1993, 58 FR 29410	1993—Fifth.
Halons	1995	October 18, 1993, 58 FR 53722	1994—Sixth.
Halons other class I substances	1995 1997	October 18, 1994, 59 FR 52544	1995—Seventh.

[1] And subsequent years.

Two cycles implementing the essential use Decision have been completed, and the third will soon be completed when the Parties meet in December, 1995. To date, the Parties to the Protocol have granted essential use exemptions only for CFC–11, CFC–12 and CFC–114 for use in metered dose inhalers (MDIs); methyl chloroform for use as a solvent on the Space Shuttle; and a global exemption for CFCs, methyl chloroform and carbon tetrachloride in laboratory uses under specified limitations. No exemptions have been granted for halons. A more detailed description of actions taken at the Fifth and Sixth meetings can be found in a prior Federal Register notice (59 FR 52544, October 18, 1994). EPA subsequently allocated the essential uses allowances approved by the Parties for the United States (60 FR 24970, May 10, 1995).

In response to the October 18, 1994 Federal Register notice (59 FR 52544) requesting nominations for production of CFCs and halons in 1996 and beyond, EPA received 24 applications. EPA worked with candidates to ensure applications met the criteria set forth by the Parties. Subsequently, the United States submitted the five nominations to the Ozone Secretariat for consideration at the Seventh Meeting. The nominations were for:

- An adjustment to a previously granted exemption for CFC–11 and CFC–12 for use in metered dose inhalers (MDI), 1996 and 1997;
- CFC–12 and CFC–114 for MDI treatment of rhinitis, 1996 and 1997;
- CFC–11, CFC–12 and CFC–114 for generic MDIs, 1996 and 1997;
- Methyl chloroform for use as a solvent on the NASA Space Shuttle, 1996–2001; and
- Methyl chloroform for use as a solvent on the Air Force Titan Upgraded Solid Rocket Motor, 1996–2001.

TOTAL ESSENTIAL USE REQUESTS SUBMITTED BY THE UNITED STATES

[Metric tonnes]

	1996	1997	1998	1999	2000	2001
CFC–11	328	331	.....	.....	.....	.....
CFC–12	432	437.2	.....	.....	.....	.....
CFC–114	19	43.7	.....	.....	.....	.....
Methyl Chloroform	0.29	0.37	57	56.99	56.87	56.87

Nominations from the U.S. and other countries were submitted to the Montreal Protocol Secretariat and provided to the Technical and Economics Assessment Panel for review. In March 1995, the Panel issued the ''Supplement to the 1994 Assessments'' containing the ''Report of the Technology and Economic Assessment Panel.'' The Report includes the Panel's recommendations for essential-use production and consumption exemptions. The Panel made the following recommendations for consideration by the Parties:

- Methyl chloroform in specific cleaning, bonding and surface activation applications in rocket motor manufacturing for the U.S. Space Shuttle and Titan;
- Halon 2402 to be used in the Russian Federation for special hazards fire protection;
- For Metered Dose Inhalers (MDIs) for Asthma and Chronic Obstructive Pulmonary Disease (COPD) (but not for general nasal use) nominations, the Panel endorses the overall recommendation to grant necessary quantities while avoiding the possibility of over-supply;
- Specific controlled substances needed for laboratory and analytical applications.

The Panel was unable to recommend the nomination of Poland for CFCs for servicing of refrigeration equipment.

The Seventh Meeting of the Parties is scheduled for December 5–7, 1995. At that session the Parties will review the recommendations by the Technology and Economic Assessment Panel and make final decisions on this round of essential use nominations.

Once the Parties have taken a decision on this year's nominations, EPA will issue a Notice of Proposed Rulemaking (NPRM) to propose to grant the exemptions under the Clean Air Act and to make specific allocations of the essential-use allowances. Despite the predisposition of the Parties to consider nominations only for two year windows, the EPA is still requesting that applications include projections of potential future needs in order to help us plan for future nominations. Final essential-use allowances promulgated by EPA may not exceed the exemptions adopted by the Parties.

III. Request for Applications for Production of All Class I Substances in 1997 and Subsequent Years

Through this Notice, EPA requests applications for essential use exemptions for all class I substances for 1997 or subsequent years. Eligible applications will be nominated to the

Secretariat for consideration at the Eight Meeting of the Parties to be held in September, 1996 or later. Applications for essential use exemptions should be submitted to EPA no later than 30 days after the date of publication of this notice to allow time for a review of the information before the deadline for submitting nominations to the Secretariat.

As described previously, the Parties established criteria to identify essential uses and a process to decide which uses would qualify under Decision IV/25. The Decision states that ''a use of a controlled substance should qualify as essential only if: (i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and (ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health.'' In addition, the Parties agreed ''that production and consumption, if any, of a controlled substance, for essential uses should be permitted only if: all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and the controlled substance is not available in sufficient quantity and quality from the existing stocks of banked or recycled controlled substances.'' When submitting a nomination to the Secretariat, the U.S. must be able to demonstrate that the proposed uses meet these criteria. The burden of proof is on the nominating country, and applications failing to prove that these criteria have been met will be rejected by the Parties. Thus, it is incumbent upon applicants to ensure that all applications are supported by complete and detailed documentation including the types of information outlined in the Handbook on Essential Use Nominations to allow EPA to determine whether to submit the applications as nominations, and to assist EPA in presenting a strong and credible case before the Parties and the recommending Panel for those nominations.

All requests for nominations submitted to EPA must present the following information in the manner prescribed in the Panel Handbook. EPA will not forward incomplete or inadequate nominations to the Montreal Protocol Secretariat for consideration, and therefore recommends that applicants make every effort to provide the requested information. Applicants should contact the Essential Use Program Manager to obtain a copy of the Handbook on Essential Use Nominations, prepared by the Panel, for guidance on preparing nominations. As noted in that book, nominations should, at a minimum:

(1) Provide details of the type, quantity and quality of the controlled substance that is requested to satisfy the use that is the subject of the nomination. Indicate the period of time and the annual quantities of the controlled substance that are requested.

(2) Provide a detailed description of the use.

(3) Explain why this use is necessary for health and/or safety, or why it is critical for the functioning of society.

(4) Explain what other alternatives and substitutes have been employed to reduce the dependency on the controlled substance for this application.

(5) Explain what alternatives were investigated and why they were not considered adequate (technically, economically or legally).

(6) Describe the measures that are proposed to eliminate all unnecessary emissions. At a minimum, this explanation should include design considerations and maintenance procedures.

(7) Explain what efforts are being undertaken to employ other measures for this application in the future.

(8) Explain whether the nomination is being made because national or international regulations require use of the controlled substance to achieve compliance. Provide full documentation including the name, address, phone and fax number of the regulatory authority requiring use of the controlled substance and provide a full copy or summary of the regulations. Explain what efforts are being made to change such regulations or to achieve acceptance on the basis of alternative measures that would satisfy the intent of the requirement.

(9) Describe the efforts that have been made to acquire stockpiled or recycled controlled substance for this application both from within your nation and internationally. Explain what efforts have been made to establish banks for the controlled substance.

(10) Briefly state any other barriers encountered in attempts to eliminate the use of the controlled substance for this application.

(11) Demonstrate consistency with CAA provisions on essential uses.

All nominations should be sent to: Karen Metchis, Program Manager, Essential Use Exemptions, Mail Stop 6205J, Environmental Protection Agency, Washington, DC 20460, FAX: (202) 233–9577, Phone: (202) 233–9193

EPA will work with submitters, other interested federal agencies, and outside experts to review this information and forward nominations to the Protocol's Secretariat for consideration as appropriate and consistent with any CAA limitations.

Dated: October 6, 1995.

Richard D. Wilson,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 95–26203 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5318–6]

Notice of Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; Request for Public Comment.

SUMMARY: In accordance with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9622, notice is hereby given that a proposed purchaser agreement associated with the Merit Products Superfund Site in Philadelphia, PA, was executed by the Agency on September 29, 1995 and is subject to final approval by the United States Department of Justice. The Purchaser Agreement would resolve certain potential EPA claims under Section 107 of CERCLA, 42 U.S.C. 9607, against Henshell Corporation, the City of Philadelphia, and the Philadelphia Industrial Development Corporation (''The purchasers''). The settlement would require the Henshell Corporation to pay a principal payment of $3,500 within thirty (30), days and $14,000 after Henshell acquires title to the property, to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

DATES: Comments must be submitted on or before November 22, 1995.

ADDRESSES: The proposed agreement and additional background information